IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

CRP. No. 724 of 1997(H)

B7.6148/1995 of TALUK LAND BOARD, DEVIKULAM
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REVN. PETITIONER:

STATE OF KERALA

BY GOVT PLEADER SRI BASANT BALAJI

RESPONDENTS:

PAPPACHAN K, ELANJIKKAL,
KOTHAMANGALAM

BY ADV. SRI.N.N.SUGUNAPALAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S. RADHAKRISHNAN, J.

C.R.P. No 724 of 1997

Dated: 17th January, 2007.

O R D E R

This revision is filed against by the State of Kerala against the order dated 27.03.1996 in B7.6148/95 of the Taluk Land Board, Devikulam. Ceiling case in respect of the respondent was decided by the Taluk Land Board as per proceeding 146/74/B4 dated 20.12.1981 directing the declarant to surrender an extent of 1.84.916 acres of land out of an extent of 41.16.249 acres. Aggrieved by the order respondent preferred C.R.P. No 235 of 1982 and this court as per order dated 13.02.1986 set aside the order of the Taluk Land Board in respect of 50 cents of land in survey number 12/51 and directed the Taluk Land Board to pass fresh orders in respect of that survey number. Rest of the order of the Taluk Land Board was upheld. Later, Taluk Land Board passed revised order on 26.04.1988 directing the declarant to surrender 1.34,916 acres of land from survey numbers 133/2 and 135/2 of Kanthalloor village. Land was taken possession of by the Tahsildar, Devikulam. Declarant then filed a petition dated 2.10.1995 before the Taluk Land Board stating that the order dated 26.04.1988 was not

correct since the Taluk Land Board did not consider the decision of the Land Tribunal, Devikulam in S.M. Case Nos 1/86 and 2/86 dated 29.08.1986 in which the Land Tribunal had issued purchase certificate to the cultivating tenants under Section 72 of the Kerala Land Reforms Act. Taluk Land Board then accepted that request and passed order dated 27.03.1996 holding that the declarant is not liable to surrender 1.34.916 acres of land which was earlier taken possession from the declarant.

2. Learned Government Pleader submitted that the Land Board was not justified in entertaining the application filed by the declarant on 2.10.1995 since the order passed on 26.04.1988 has attained finality and if the declarant has got any grievance he should have challenged that order. Further, the Taluk Land Board had by its order dated 29.12.1981 directed the declarant to surrender an extent of 1.84.916 acres of land against which the declarant filed C.R.P. No 235 of 1982 and this court set aside the order of the Taluk Land Board to the extent of 50 cents of land in survey number 12/51. That alone was directed to be reconsidered by the Taluk Land Board. In the wake of the order dated 29.12.1981 of the Taluk Land Board, the order of this court in C.R.P. No 235 of 1982 and the order of the Taluk Land Board dated 26.04.1988 the declarant has no legal right to reopen the same by filing petition dated 2.10.1995 since the earlier orders

have attained finality. In my view, Taluk Land Board was not justified in entertaining the petition dated 2.10.1995 and to interfere with the orders which have attained finality. In such circumstances, I am inclined to allow this revision petition and set aside the order passed by the Taluk Land Board dated 27.03.1996.

SD/-
(K.S. RADHAKRISHNAN, JUDGE)

17/01/2007
en/

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